

CHAPTER 302.
FILING REQUIREMENTS IN SUPPORT OF APPLICATIONS FOR AUTHORITY TO
CONSTRUCT AND OPERATE AN ELECTRIC GENERATING FACILITY.

20 VAC 5-302-10. Applicability and scope.

Any application, except as noted herein, filed by a person planning to construct electric generating facilities and incidental or associated facilities in the Commonwealth of Virginia and who must apply for approval from the State Corporation Commission ("commission"), pursuant to §§ 56-46.1, and 56-580 D of the Code of Virginia must comply with the provisions of this chapter. Distributed generation facilities as they may be defined by the commission and net energy metering facilities as defined in § 56-594 of the Code of Virginia are not subject to this chapter. Applications filed pursuant to this chapter must set forth the nature of the proposed facility, the applicant's technical and financial fitness to construct, operate and maintain the proposed facility, the effects of the facility on the environment and economic development, the effects of the facility upon reliability of electric service provided by any regulated public utility, and why construction and operation of the proposed facility is not contrary to the public interest. The filing of confidential information will be treated in accordance with 20 VAC 5-20-170 of the Commission's Rules of Practice and Procedure (5 VAC 5-20-10 et seq.).

20 VAC 5-302-20. General information, electric generating facility information and documents to be included in the application.

The following information shall be provided for all proposed electric generating facilities. In addition, an applicant requiring the construction of natural gas facilities in conjunction with the construction, ownership or operation of an electric generating facility shall serve notice of its application for construction of the electric generating facility upon all natural gas local

distribution companies in whose certificated service territories the natural gas facilities will be constructed or operated.

1. Legal name of the applicant as well as any trade name.
2. A description of the applicant's authorized business structure, identifying the state authorizing such structure and the date thereof, e.g., if incorporated, the state and date of incorporation; if a limited liability company, the state issuing the certificate of organization and the date thereof.
3. Name and business addresses of all principal corporate officers and directors, partners, and LLC members, as appropriate.
4. Financial information for the applicant, or principal participant or participants in the project. If the applicant or principal participant or participants is a private entity, financial information should include an analysis of the entity's financial condition and audited financial statements for the two most recent fiscal years. If the applicant or principal participant or participants is a public company, financial information should include the entity's most recent stockholder report and most recent Securities and Exchange Commission Form 10-K.
5. Prefiled testimony in support of the application.
6. A discussion of the applicant's qualifications, including:
 - a. A summary of other projects developed and managed by the applicant.
Include location, status, and operational history.
 - b. A detailed description of the organizational structure of the applicant.
Include the division of ownership, if applicable.

c. A description of any affiliation or affiliations with an incumbent electric utility as defined in § 56-576 of the Code of Virginia.

7. Specific information about the site for the proposed facility, including:

a. A written description of the location including identification of the city or county in which the facility will be constructed. Such description should be suitable for newspaper publication and be sufficient for identification of affected areas.

b. A description of the site, and a depiction on topographic maps of the proposed site.

c. The status of site acquisition (i.e., purchase option, ownership, etc.).

d. A description of any applicable local zoning or land use approvals required and the status of such approvals.

8. Specific information about the proposed facility, including:

a. Description of all major systems, facility configuration and expected suppliers of major components.

b. Nameplate capacity, gross dependable capacity, net dependable capacity and expected seasonal heat rates.

c. Estimated costs, and schedule for construction, testing and commercialization.

9. A description of the fuel supply arrangement for the proposed facility. The description should detail:

a. Fuel type, quality and source or sources.

b. Transportation and fuel storage arrangements for fuel delivery.

c. Identification of all new pipeline facilities, if any, needed to serve the proposed facility.

d. Ownership of any such facilities.

e. Plans for constructing such facilities.

f. The location and routing of any such facilities.

g. The size of such facilities.

h. Whether such facilities will be utilized to provide or enhance fuel supplies to other entities.

10. A discussion of economic impacts (both positive and negative), of the project. The discussion should address the tax and employment implications of the project.

11. A list of other local, state or federal government agencies whose requirements must be met in connection with the construction or operation of the project and a statement of the status of the approval procedures for each of these agencies.

12. An analysis of the environmental impact of the project shall be provided sufficient to enable the commission to make the determinations required by §§ 56-46.1 and 56-580 D of the Code of Virginia. This analysis shall include, but is not limited to, the impacts on the environment and natural resources, analysis of alternatives considered, unavoidable adverse impacts, mitigation measures proposed to minimize unavoidable impacts, and any irreversible environmental changes. The information required by this subdivision shall be submitted to the Department of Environmental Quality, simultaneously with its filing with the Commission, for coordination and review by state agencies responsible for environmental and natural resource protection. Such information shall include at a minimum, the following:

a. Air quality. Discussion should identify required air permits, expected restrictions, expected emissions, rates of emissions, and any needed emissions offsets or allowances.

b. Water source. Discussion should include required permits for water withdrawals, expected restrictions, the amount of water estimated to be used, the source of such water, identification of a back up source of water, if any, and identification of any facilities that need to be constructed to provide such water.

c. Discharge of cooling water. Discussion should include an identification of required permits for water discharge and potential impacts on regional water flows.

d. Tidal and non-tidal wetlands. Discussion should include an identification of any required permits related to the wetlands and an identification of any tidal and non-tidal wetlands located near the proposed site and how such wetlands will be impacted by applicant's proposed facility.

e. Solid and hazardous wastes. Discussion should address impact on local water resources.

f. Natural heritage, threatened and endangered species.

g. Erosion and sediment control.

h. Archaeological, historic, scenic, cultural, or architectural resources in the area.

i. Chesapeake Bay Preservation Areas designated by the locality.

j. Wildlife resources.

- k. Recreation, agricultural and forest resources. Discussion should identify federal, local, state or private parks and recreation areas.
 - l. The use of pesticides and herbicides.
 - m. Geology and mineral resources, caves, and sinkholes.
 - n. Transportation infrastructure.
13. A general discussion of reliability impacts including:
- a. A description of transmission interconnection requirements and needed interconnection facilities.
 - b. A description of the potential impact of the proposed facility on the interconnected transmission system. Discussion should identify and summarize any system impact studies or proposed studies.
 - c. A description of anticipated services (ancillary services, re-dispatch, energy imbalance, etc.) that may be provided to any transmission service provider.
 - d. A discussion of existing and expected generation reserves in the region and the impact of the proposed facility on such reserves.
14. A discussion of whether the proposed facility is not contrary to the public interest. Such discussion shall include, but is not limited to, an analysis of any reasonably known impacts the proposed facility may have upon reliability of service to, and rates paid by, customers of any regulated public utility for service in the Commonwealth, including water service, gas distribution service, electric distribution service, and electric transmission service.
15. A discussion of whether and, if so, how the project will further the goals of advancement of electric competition in Virginia.

20 VAC 5-302-40. Waivers.

Requests for waivers of any of the provisions of this chapter shall be considered by the State Corporation Commission on a case-by-case basis, and may be granted upon such terms and conditions as the State Corporation Commission deems appropriate in the public interest.